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*Attorneys for Plaintiffs ALENA ZWEBEN  
and ZWEBEN NATUROPATHIC PLLC  
(dba Market Place Naturopathic)*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ALENA ZWEBEN, an individual, and  
ZWEBEN NATUROPATHIC PLLC  
(dba Market Place Naturopathic), a  
Washington limited liability company,

Plaintiffs,

v.

MATTHEW MARSHALL SHIRK, an  
individual, SIMPLE ADVERTISING AND  
INTERNET DESIGN LLC, a California  
limited liability company, and DOES 1 to 10,  
inclusive,

Defendants.

Case No. 3:23-cv-00591

**NOTICE OF AUTOMATIC STAY OF  
PROCEEDINGS**

Action Filed: February 9, 2023

TO THE COURT AND ALL PARTIES OF RECORD:

The undersigned, counsel of record of Plaintiffs Alena Zweben and Zweben Naturopathic PLLC (dba Market Place Naturopathic), respectfully makes this declaration to notify this Court that the proceedings on the merits of Plaintiffs' claims are stayed automatically pursuant to Section 362 of the Federal Bankruptcy Code.

1. On March 15, 2023, the Defendants Matthew Marshall Shirk and Simple Advertising and Intern Design, LLC ("Simple") filed bankruptcy proceedings in this District. Attachment A is the Notice of Chapter 7 Bankruptcy (Official Form 309C) filed by Defendant Simple with Case No. 23-10123. Attachment B is the Notice of Chapter 13 Bankruptcy Case (Official Form 309I) filed by Defendant Shirk with Case No. 23-10124.

2. Defendants Matthew Marshall Shirk and Simple Advertising and Intern Design, LLC have both been served in this matter, but neither appeared.

3. Defendants DOES 1 to 10 remain unascertained.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that the attachments hereto are true and correct copies of the notices that I received.

Dated: March 26, 2023

**TECTONIC, LLP**

By: */S/ Hannah Stitt*

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*Attorneys for Plaintiffs ALENA ZWEBEN and  
ZWEBEN NATUROPATHIC PLLC (dba Market  
Place Naturopathic)*

**ATTACHMENT A**

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Debtors may request to receive Court notices and orders by email instead of U.S. mail. Sign Up at <a href="http://www.canb.uscourts.gov">www.canb.uscourts.gov</a>	
Information to identify the case:	
Debtor <b>Simple Advertising and Internet Design LLC</b> Name	EIN: _____
United States Bankruptcy Court California Northern Bankruptcy Court	Date case filed for chapter: 7 3/15/23
Case number: 23-10123	

## Official Form 309C (For Corporations or Partnerships)

### Notice of Chapter 7 Bankruptcy Case -- No Proof of Claim Deadline

12/20

For the debtor listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

**This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines.**

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

**The staff of the bankruptcy clerk's office cannot give legal advice.**

**Do not file this notice with any proof of claim or other filing in the case.**

1. Debtor's full name	Simple Advertising and Internet Design LLC	
2. All other names used in the last 8 years		
3. Address	198 Almond Ave. Napa, CA 94558	
4. Debtor's attorney Name and address	James A. Shepherd Law Offices of James Shepherd 2121 N. California Blvd Suite 290 Walnut Creek, CA 94596-7351	Contact phone 925-954-7554
5. Bankruptcy trustee Name and address	Marlene G. Weinstein 1511 Sycamore Ave. #M-259 Hercules, CA 94547	Contact phone (925) 482-8982 Email: <a href="mailto:mqwtrustee@mqwtrustee.com">mqwtrustee@mqwtrustee.com</a>
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case online at <a href="https://pacer.uscourts.gov">https://pacer.uscourts.gov</a> .	Mailing Address: U.S. Bankruptcy Court 99 South "E" Street Santa Rosa, CA 95404	Hours open: Monday – Friday 9:00 am to 4:30 pm  Contact phone (888) 821-7606  Date: 3/15/23
7. Meeting of creditors The debtor's representative must attend the meeting to be questioned under oath. Creditors may attend, but are not required to do so.	April 13, 2023 at 10:30 AM  The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.	<b><u>Via Tele/Videoconference</u></b>  Trustee: Marlene G. Weinstein Call in number/URL: <a href="https://www.zoom.com/join">www.zoom.com/join</a> Meeting ID:185-718-904 Passcode: 067032
<b>Important Notice to Individual Debtors:</b> The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors. <b>Failure to Appear May Result in the Dismissal of the Case without further notice.</b> A request for a continuance or to be excused from appearing must be made in writing at least 7 days before the meeting, timely filed with the court at the address above in box 6 and served by mail on the trustee at the address above in box 5.		
8. Proof of claim Please do not file a proof of claim unless you receive a notice to do so.	No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now.  If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.	
9.		

**Creditors with a foreign  
address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.



Official Form 309C (For Corporations or Partnerships) **Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline**

page 1

**ATTACHMENT B**

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Debtors may request to receive Court notices and orders by email instead of U.S. mail. Sign Up at [www.canb.uscourts.gov](http://www.canb.uscourts.gov)

## Information to identify the case:

Debtor 1: Matthew Marshall Shirk  
 First Name Middle Name Last Name  
 Social Security number or ITIN: xxx-xx-7533  
 EIN: --

Debtor 2:  
 (Spouse, if filing) First Name Middle Name Last Name  
 Social Security number or ITIN: --  
 EIN: --

United States Bankruptcy Court: California Northern Bankruptcy Court  
 Date case filed for chapter: 13 3/15/23

Case number: 23-10124

## Official Form 309I

## Notice of Chapter 13 Bankruptcy Case

12/20

For the debtors listed above, a case has been filed under chapter 13 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors, the debtors' property, and certain codebtors. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

Confirmation of a chapter 13 plan may result in a discharge. Creditors who assert that the debtors are not entitled to a discharge under 11 U.S.C. § 1328(f) must file a motion objecting to discharge in the bankruptcy clerk's office within the deadline specified in this notice. Creditors who want to have their debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office by the same deadline. (See line 13 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

	About Debtor 1:	About Debtor 2:
1. Debtor's full name	Matthew Marshall Shirk	
2. All other names used in the last 8 years	aka Matt Shirk, aka Matthew M. Shirk, dba Simple Advertising and Internet Design LLC	
3. Address	198 Almond Avenue Napa, CA 94558	
4. Debtor's attorney Name and address	James A. Shepherd Law Offices of James Shepherd 2121 N. California Blvd Suite 290 Walnut Creek, CA 94596-7351	Contact phone 925-954-7554
5. Bankruptcy trustee Name and address	David Burchard P.O. Box 8059 Foster City, CA 94404	Contact phone (650) 345-7801 Email: <a href="mailto:TESTECF@burchardtrustee.com">TESTECF@burchardtrustee.com</a>
6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case online at <a href="https://pacer.uscourts.gov">https://pacer.uscourts.gov</a> .	Mailing Address: U.S. Bankruptcy Court 99 South "E" Street Santa Rosa, CA 95404	Hours open: Monday – Friday 9:00 am to 4:30 pm Contact phone (888) 821-7606 Date: 3/21/23

For more information, see page 2



Debtor **Matthew Marshall Shirk**Case number **23-10124 DM 13****7. Meeting of creditors**

Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.

**May 9, 2023 at 10:00 AM****Via Tele/Videoconference**

The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

Trustee: David Burchard  
Call in number/URL: 1-866-675-7493  
Passcode: 2520859

**Important Notice to Individual Debtors:** The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors. **Failure to Appear May Result in the Dismissal of the Case without further notice.** A request for a continuance or to be excused from appearing must be made in writing at least 7 days before the meeting, timely filed with the court at the address above in box 6 and served by mail on the trustee at the address above in box 5.

**8. Deadlines**

The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.

**Deadline to file a complaint to challenge dischargeability of certain debts: You must file:****Filing deadline: 7/10/23**

- a motion if you assert that the debtors are not entitled to receive a discharge under U.S.C. § 1328(f), or
- a complaint if you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4).

**Deadline for all creditors to file a proof of claim (except governmental units):****Filing deadline: 5/24/23****Deadline for governmental units to file a proof of claim:****Filing deadline: 9/11/23**

For a bankruptcy case pending in the Northern District of California, a Proof of Claim may be filed electronically online at [www.canb.uscourts.gov](http://www.canb.uscourts.gov). In the Quick Links section, click on "File an Electronic Proof of Claim."

**Deadlines for filing proof of claim:**

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office. If you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed. Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

**Deadline to object to exemptions:**

The law permits debtors to keep certain property as exempt. If you believe that the law does not authorize an exemption claimed, you may file an objection.

**Filing deadline:** 30 days after the conclusion of the meeting of creditors

**9. Filing of plan, Hearing on Plan Confirmation**

If the debtor has already filed a proper Chapter 13 Plan, the Plan is enclosed. If the debtor has not yet filed a proper Chapter 13 Plan, the Plan will be sent separately. The hearing on confirmation will be held: **6/14/23 at 10:00 AM**, Location: **Via Tele/Videoconference, [www.canb.uscourts.gov/calendars](http://www.canb.uscourts.gov/calendars)**. The case is subject to dismissal, without further notice, upon failure of the debtor to commence making payments called for in the plan, not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier. At the confirmation hearing the court may dismiss or convert the case or continue the hearing without prior notice upon a determination the debtor(s) is unable to present a feasible plan. Written objections to confirmation of the plan must be filed with the court on or before the date stated above for the Meeting of Creditors and served upon the trustee, Debtor(s), and Debtors' Attorney.

**10. Creditors with a foreign address**

If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadline in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**11. Filing a chapter 13 bankruptcy case**

Chapter 13 allows an individual with regular income and debts below a specified amount to adjust debts according to a plan. A plan is not effective unless the court confirms it. You may object to confirmation of the plan and appear at the confirmation hearing. A copy of the plan, if not enclosed, will be sent to you later, and if the confirmation hearing is not indicated on this notice, you will be sent notice of the confirmation hearing. The debtor will remain in possession of the property and may continue to operate the business, if any, unless the court orders otherwise.

**12. Exempt property**

The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors, even if the case is converted to chapter 7. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at <https://pacer.uscourts.gov>. If you believe that the law does not authorize an exemption that debtors claimed, you may file an objection by the deadline.

**13. Discharge of debts**

Confirmation of a chapter 13 plan may result in a discharge of debts, which may include all or part of a debt. However, unless the court orders otherwise, the debts will not be discharged until all payments under the plan are made. A discharge means that creditors may never try to collect the debt from the debtors personally except as provided in the plan. If you want to have a particular debt excepted from discharge under 11 U.S.C. § 523(a)(2) or (4), you must file a complaint and pay the filing fee in the bankruptcy clerk's office by the deadline. If you believe that the debtors are not entitled to a discharge of any of their debts under 11 U.S.C. § 1328(f), you must file a motion by the deadline.